

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

(1) J.C., a minor, by and through his mother,)	
LUISA FERNANDA SUTTON,)	
)	
Plaintiff,)	
)	
v.)	Case No. 5:18-cv-00197-M
)	
(1) LAVERNE PUBLIC SCHOOL DISTRICT,)	
ISD No. 1, HARPER COUNTY, OKLAHOMA;)	
(2) KYNDRA ALLEN; (3) EDDIE THOMAS;)	
(4) RICHARD WELLS; (5) ANDY)	
CUNNINGHAM,)	
)	
Defendants.)	

**RESPONSE OF PLAINTIFF TO ORDER OF MARCH 29, 2019 AND NOTICE OF
CONSENT TO APPROVAL OF AMENDED MOTION BY FATHER OF MINOR**

Plaintiff, Luisa Fernanda Sutton (“Sutton”), for her Response to the Court Order of March 29, 2019 [Docket No. 53], and her notice to this court of the consent of the father to the entry of the order requested in her Amended Motion (Docket No. 52], submits the following information and authority:

Proposed Use of Funds

Plaintiff proposes that a portion of the funds be used between now and the minor’s 18th birthday on June 21, 2019, for the following purposes.

1. For medical expenses for the minor (dental/orthodontics, counseling and medicines)(estimate: \$1,730.00, partially prepaid);
 2. For private school tuition for the minor child (\$1,800.00 -- one year share);
- and

3. For travel between Medellin, Colombia and Oklahoma, for visitation between the minor and mother (\$600.00 annually -- likely after June 21, 2019).

The full amount for the minor's private school tuition is \$400.00 per month, but the father will be covering \$250.00 per month. The father will also provide for ordinary living expenses for his son until he is 25 years of age, so long as he is in school, in accordance with Colombian law. The remaining funds subject to the jurisdiction of this court would be held for future use for the medical and educational expenses of the minor, or as otherwise ordered by this Court.

Statutory Authority

Plaintiff, through counsel, respectfully submits that the permissible boundaries of the Court's statutory discretion are greater than indicated in the Order of March 29, 2019. The applicable statute, 32 O.S. §2-116, does not reference a shift in control of the funds to the minor upon reaching 18 years of age. The statute contemplates that the Court may, at any time during the minority of the person, place the funds into the control of the parent of the minor, the person having the care or custody of the minor, or to the minor. Regardless of the person to whom the property is delivered, they are restricted in the use of such funds by the Order of the Court -- even if they were released into the control of the minor. In this case, to release the funds to the minor, who now resides in Medellin, Colombia, on the date that he turns 18 years of age, would not be in the best interest of the minor. Further, it would place the funds beyond the jurisdiction of this Court, depriving it of the opportunity to correct or remedy any erroneous of funds by the person to whom they are entrusted.

Consent of Father of Minor to Order Approving Amended Motion

The father of the minor child, José Mario Castillejo Galvis, has advised the undersigned counsel that he agrees that it is in the best interests of the minor that he not be given unrestricted control of the funds upon his reaching the age of majority. He further advised the undersigned counsel as follows: “This is to inform you that I agree that Luisa manages the money that belongs to my son as long as this is invested in his own needs relevant to his education and medical treatment”

WHEREFORE, Plaintiff prays that she be granted the relief requested in the Amended Motion and for such other and further relief as the Court deems just and equitable in the circumstances.

Respectfully submitted,

s/Jimmy K. Goodman

JIMMY K. GOODMAN, OBA #3451

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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of April, 2019, I electronically transmitted the foregoing document to the Court Clerk using the ECF System for filing. Based on the records currently on file, the Court Clerk will transmit a Notice of Electronic Filing to the following ECF registrants:

Laura L. Holmes -- lholfmes@cfel.com

and to J.C., a minor, and José Mario Castillejo Galvis, at jmcastilg@gmail.com

s/Jimmy K. Goodman